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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 WASTE ACTION PROJECT,

9 Plaintiff,

10 vs.

11 FRUHLING SAND AND TOPSOIL,
12 INC.,

13 Defendant.
14

Case No. 2:17-CV-00498-RSM

STIPULATED MOTION AND ORDER TO
EXTEND CASE SCHEDULE AND STRIKE
NOTING DATE ON SUMMARY
JUDGMENT MOTION

15 Plaintiff Waste Action Project (WAP) and Defendant Fruhling Sand and Topsoil, Inc.
16 (Fruhling) respectfully request that the Court extend all case deadlines in this matter by
17 approximately three months and strike the noting date for WAP's Motion for Partial Summary
18 Judgment (Dkt. 45), subject to re-noting at a later time. The parties propose the specific
19 deadlines detailed below.

20 The parties have separately stipulated to certain facts and issues to simplify this
21 litigation and avoid unnecessary costs, and are engaged in settlement negotiations to resolve
22 this matter. The parties have exchanged settlement proposals and have agreed to continue
23 discussions in a diligent manner. The parties jointly move to extend the remaining case
24 deadlines, including the trial date, and temporarily strike the noting date on WAP's Motion for
25 Partial Summary Judgment to allow for the parties to pursue settlement without incurring
26 additional costs associated with meeting litigation deadlines, which would be unnecessary if a
27 settlement is reached. The parties agree that good cause exists to extend all deadlines, that the

proposed extension will promote judicial efficiency, and that no party will be prejudiced by the requested extension. Accordingly, the parties request the Court enter an order extending the deadlines as detailed below. The parties also request the Court enter an order temporarily striking the noting date for WAP's Motion for Partial Summary Judgment, to be re-noted upon notice to the Court. Fruhling's response to WAP's motion would be due 14 days after notice to the Court, and WAP's reply and the noting date for the motion would be due 14 days thereafter.

	Current Deadline	Proposed Deadline
Disclosure of expert testimony under FRCP 26(a)(2)	August 22, 2019	November 22, 2019
Deadline for filing motions related to discovery. Any such motions shall be noted for consideration pursuant to LCR 7(d)(3)	September 23, 2019	December 23, 2019
Discovery completed by	October 21, 2019	January 21, 2020
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d))	November 20, 2019	February 20, 2020
Mediation per LCR 39.1(c)(3), if requested by the parties, held no later than	January 6, 2020	April 6, 2020
All motions in limine must be filed by and noted on the motion calendar no later than the THIRD Friday thereafter	January 21, 2020	April 21, 2020
Agreed pretrial order due	February 6, 2020	May 6, 2020
Pretrial conference to be scheduled by the Court	To be scheduled by the Court	To be scheduled by the Court

Trial briefs and proposed findings of fact and conclusions of law, designations of deposition testimony pursuant to LCR 32(e), and trial exhibits due	February 13, 2020	May 13, 2020
BENCH TRIAL DATE (5-7 days duration)	February 18, 2020	To be scheduled by the Court for around May 18, 2020
Fruhling Response to WAP's Motion for Partial Summary Judgment (Dkt. 45)	August 8, 2019	14 days following notice to the Court that the motion is re-noted
WAP Reply on Motion for Partial Summary Judgment (Dkt. 45)	August 16, 2019	28 days following notice to the Court that the motion is re-noted
Motion for Partial Summary Judgment (Dkt. 45) Noting Date	August 16, 2019	28 days following notice to the Court that the motion is re-noted

DATED this 31st day of July 2019.

s/ Marc Zemel

Marc Zemel, WSBA No. 44325

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Attorneys for Defendant Fruhling Sand & Topsoil, Inc.

ORDER

Based on the above stipulation, IT IS SO ORDERED.

DATED this 5 day of August, 2019.

A handwritten signature in black ink, appearing to read 'R. Martinez', is written over a horizontal line.

RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE